



STATE OF NEW JERSEY

In the Matter of Peggy Carter,
Institutional Trade Instructor 1,
Cooking (PS9728P), Juvenile Justice
Commission

**FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION**

Administrative Appeals

CSC Docket No. 2021-1397

ISSUED: JULY 2, 2021 (VJ)

The Juvenile Justice Commission (JJC) requests a retroactive regular appointment date for Peggy Carter to the title of Institutional Trade Instructor 1, Cooking, effective November 18, 2019.

By way of background, agency records indicate that Carter was provisionally appointed, pending promotional examination procedures, to the title of Institutional Trade Instructor 1, effective September 15, 2018. A promotional examination announcement for the title of Institutional Trade Instructor 1, Cooking (PS9728P) was announced with a closing date of May 21, 2019. The resulting eligible list containing only the appellant’s name, promulgated on October 24, 2019 and expires on October 23, 2022. It is noted that a certification (PS210210) was not issued from the subject eligible list until March 9, 2021.

On appeal, the appointing authority requests that Carter receive a retroactive regular appointment to the subject title, effective November 18, 2019. Specifically, the appointing authority asserts that when it received a copy of the subject eligible list, it processed a “conversion of appointment” from a provisional appointment, pending promotional examination procedures (PAP) to a regular appointment, promotion (RAP) for Carter. In doing so, the appointing authority notes that it had indicated that Carter was being appointed from the subject eligible list. Thereafter, in a February 24, 2021 email to the Division of Agency Services (Agency Services), the appointing authority questioned why a certification was not processed appointing Carter as it had approved an 03 (Conversion of Appointment) in her PMIS records, effective November 18, 2019. Agency Services explained that

as a certification was never issued, her permanent appointment should be removed from her record and a current certification would be issued. Finally, the appointing authority notes that Carter has completed her working test period in the subject title.

Agency Services indicates that it supports the appointing authority's request.

CONCLUSION

N.J.A.C. 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an individual could have been appointed on the requested retroactive date but as a result of an error on the part of the either the appointing authority or this agency, he or she received a later appointment date. The record reveals that the appointing authority "believed" that it had appointed Carter to the title of Institutional Trade Instructor 1, Cooking, effective November 18, 2019. However, due to an administrative error, a certification was not issued from the PS9728P eligible list in 2019. Moreover, the error was not discovered until February 2021 and a certification, containing only Carter's name was not issued until March 9, 2021. Therefore, based on the foregoing, ample cause exists to grant Carter a retroactive date of permanent appointment to the title of Institutional Trade Instructor 1, Cooking. Furthermore, the record establishes that Carter has completed her working test periods as an Institutional Trade Instructor 1, Cooking. Consequently, Carter's permanent appointment should be recorded as November 18, 2019.

ORDER

Therefore, it is ordered that this request be granted and the permanent appointment of Peggy Carter, to the title of Institutional Trade Instructor 1, Cooking, be recorded as November 18, 2019. It is further order that the March 9, 2021 certification (PS21021) be cancelled.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 30TH DAY OF JUNE, 2021

Deirdre' L. Webster Cobb

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